

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040

ENTERED  
Office of the Secretary

MAY 14 2002

Part of  
Public Record



May 13, 2002

205386

GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2046  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

**VIA UPS NEXT DAY DELIVERY**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



**RE: Docket AB-33 (Sub-No. 189X) -- Union Pacific Railroad Company  
-- Abandonment and Discontinuance Exemption -- In Eau Claire County,  
WI  
(Eau Claire Industrial Lead in Eau Claire, WI)**

Dear Mr. Williams:

Pursuant to 49 U.S.C. § 10502, Union Pacific Railroad Company submits the original and ten (10) copies of a Petition For Exemption, with Verification, to abandon and discontinue service on the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd., a distance of 1.65 miles in the City of Eau Claire, Eau Claire County, Wisconsin (the "Line").

The Certificate of Service and Publication pursuant to 49 C.F.R. §§ 1152.60(d) and 1105.12 is attached to the petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. § 1152.60(c). A computer diskette containing the draft Federal Register notice, as well as the Petition For Exemption and Certificate of Service and Publication is also enclosed.

Please file the Petition For Exemption in Docket No. AB-33 (Sub-No. 189X). Enclosed is a voucher for \$4,700 for the filing fee.

**FEE RECEIVED**

MAY 14 2002

MHS/tai  
SURFACE  
TRANSPORTATION BOARD  
cc: All Parties of Record

Sincerely yours,

*Mack H. Shumate, Jr.*  
Mack H. Shumate, Jr.,  
Senior General Attorney

**FILED**

MAY 14 2002

SURFACE  
TRANSPORTATION BOARD

DRAFT FEDERAL REGISTER NOTICE  
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 189X)  
Notice of Petition for Exemption to Abandon or  
to Discontinue Service

On May 14, 2002, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for an exempt abandonment and discontinuance of service on the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire, Eau Claire County, Wisconsin (the "Line"). The Line traverses through the U. S. Postal Service Zip Code 54703. There are no agency stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 565-1545.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 189X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN EAU CLAIRE COUNTY, WI  
(EAU CLAIRE INDUSTRIAL LEAD AT EAU CLAIRE, WI)

---

PETITION FOR EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
312/ 777-2055  
312/ 777-2065 FAX

Dated: May 13, 2002  
Filed: May 14, 2002

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 189X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN EAU CLAIRE COUNTY, WI  
(EAU CLAIRE INDUSTRIAL LEAD AT EAU CLAIRE, WI)

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PETITION FOR EXEMPTION

I.

INTRODUCTION

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. § 10502, to grant an exemption from 49 U.S.C. §§ 10903 in order to permit the abandonment and discontinuance of service on the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire, Eau Claire County, Wisconsin (the "Line").

Pursuant to 49 U.S.C. 10502, UP seeks exemption of this proposed abandonment regulation under 49 U.S.C. §§ 10903, 10904, and 10905. During that portion of the Base Year from January 1, 2002 through April 30, 2002, UP hauled a total of forty (40) carloads on the Line. All of the carloads were delivered to or from the only customer on the Line, Central Storage Warehouse ("CSW"). The forty (40) carloads

consisted of butter, dry milk cheese, special dairy products, frozen vegetables and frozen fruits. In the past two years there has been no overhead or bridge traffic on this Line nor any other revenue generated on this Line. In the future, any potential overhead traffic, if any, can easily be diverted through another junction of the system. CSW will be relocating its rail shipping operations to CSW's facility in Menomonie, Wisconsin and does not object to the proposed abandonment so long as operations at CSW's Menomonie facility begin prior to discontinuing service at CSW's Eau Claire facility. UP will comply with CSW's request.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates the Line proposed for abandonment and discontinuance which is located in the State of Wisconsin, in the town of Eau Claire.

The name, address and telephone number of UP's representative is listed below:

Mack H. Shumate, Jr.,  
Senior General Attorney  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606  
312/777-2055  
312/777-2065 (FAX)

### III.

#### LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment and discontinuance of service on the Eau Claire Industrial Lead from M.P. 0.00 near N. Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in the City of Eau Claire, Eau Claire County, Wisconsin. The Line was originally constructed in approximately 1870 by the West Wisconsin Railway. It is constructed with 80-pound rail. UP intends to salvage the track structure and dispose of the underlying real estate.

The Line traverses U.S. Postal Services Zip Code 54703. There are no agency stations on the Line.

Attached as **Exhibit A** is a map prepared in accordance with 49 C.F.R. § 1152.22(a)(4) which identifies the Line proposed for abandonment in solid red (black on the 10 copies). Other rail lines in the area, principal highways and other roads and any walkways are shown on the map. There are two (2) railroad bridges on the Line fifty (50) years old or older.

### IV.

#### SHIPPER INFORMATION

The sole shipper on the Line is Central Storage Warehouse ("CSW"), which ships and receives various frozen, canned, and dried foods and dairy products. CSW handled 70 cars in the year 2000, 74 in the year 2001 and 40 cars in the year 2002 between January and April, 2002. As a result of an agreement between UP and CSW, CSW will relocate its current rail activity to the nearby station of Menomonie and

handle the storage and consignment of the remaining railed commodities at that point. As a result there will be little impact on area traffic patterns or fuel consumption due to additional truck trips. Accordingly, no traffic on the Line is anticipated in the future from this shipper. No recyclable commodities or energy resources move over the Line. There is no impact on area roads or changes in energy usage caused by the proposed action. A letter reflecting CSW's support for the proposed abandonment is attached hereto as **Exhibit B** and hereby made a part hereof.

V.

REASONS FOR THE ABANDONMENT AND DISCONTINUANCE

The only alternative to the proposed abandonment is continued operation of the Line. This is not a viable alternative because all of the customers once served by the Line have either closed their facilities or have ceased using rail freight transportation. The one remaining shipper, CSW is in the process of closing its operations of the Line and moving such rail operations to an alternative CSW facility in Menomonie, Wisconsin.

VI.

REASONABLE ALTERNATIVE: VIABILITY

There appears to be no reasonable alternative to this abandonment and discontinuance. The Line is used exclusively to deliver railcars to CSW at Eau Claire, Wisconsin. With the departure of CSW there is no possibility that the subject Line could ever be viably operated for local traffic based on historical and current local volume. CSW is the only shipper on the Line, and Petitioner is not aware of any prospects that

other rail shippers will locate on this Line. UP has been in contact with the City of Eau Claire, Wisconsin concerning the City's plans for the 3rd Street overpass, and has expressed interest in donating the Chippewa Bridge complex to the City for trail use.

## VII.

### THE EXEMPTION STANDARDS HAVE BEEN MET

#### A. The abandonment requires an exemption from 49 U.S.C. § 10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. § 10903. However, 49 U.S.C. § 10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. § 10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposal for abandonment and discontinuance of operations clearly satisfies the standards for exemption under 49 U.S.C. § 10502.

Detailed scrutiny by the Board under 49 U.S.C. § 10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. § 10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment in a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with 49 U.S.C. § 10101(2) and (7). An exemption will foster sound economic conditions in the transportation industry consistent with 49 U.S.C. § 10101(5),



by permitting UP's abandonment of the Line and avoiding the need to retain and operate a rail line that will not be used by any shipper.

The proposed abandonment is clearly a transaction of "limited scope." The Line is only 1.65 miles long and will have no local traffic. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since the only local shipper is in the process of leaving the Line and does not oppose abandonment of the Line.

B. An exemption from 49 U.S.C. §§ 10904 and 10905 will have no adverse effect on shippers.

The Board has authority under § 10502 to exempt the proposed abandonment from the Offer of Financial Assistance ("OFA") provisions of 49 U.S.C. § 10904. The Board should exercise that authority in this case. An exemption is typically granted when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service.<sup>1</sup>

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<sup>1</sup>See Missouri Pacific Railroad Company - Abandonment and Discontinuance of Operations Exemption - In Houston, Harris County, TX, Docket No. AB-3 (Sub-No. 139X) et al., (STB Decision served Dec. 31, 1996. Proposed abandonment exempted from §§ 10904 and 10905); Southern Pacific Transportation Company - Discontinuance of Service Exemption - In Los Angeles County, CA, Docket No. AB-12 (Sub-No. 172X), et al. (ICC served Dec. 23, 1994); Missouri Pacific Railroad Company - Abandonment - In Harris County, TX, Docket No. AB-3 (Sub-No. 105X) (ICC served Dec. 22, 1992); Chicago & North Western Transportation Company - Abandonment Exemption - In Blackhawk County, IA, Docket No. AB-1 (Sub-No. 226X) (ICC served July 14, 1989); and Iowa Northern Railway Company - Abandonment - In Blackhawk County, IA, Docket No. AB-284 (Sub-No. 1X) (ICC served Apr. 1, 1988).

## VIII

### LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way proposed for abandonment is 150 feet wide as it comes out of the main line to the Chippewa River. After it crosses the river, it is generally 100 feet in width. The topography of the Line is slightly hilly near the Chippewa River and levels out as it travels west and north through a light industrial and residential area.

The right-of-way consists of approximately 14.58 acres, of which all is non-reversionary. The proposed abandonment starts on the southeast side of the Chippewa River in Eau Claire, Wisconsin where the use of property is commercial and the Line then proceeds northwesterly into the light industrial and residential area with CSW at the northwestern end of the Line. The adjacent use is either light industrial, commercial or residential use. Since the property is all non-reversionary, there is no title limitation and the right-of-way is suitable for other public purposes. The City of Eau Claire has expressed interest in using the corridor for a recreational trail. If the City of Eau Claire fails to obtain the property for a recreational trail, sale of the property on the Line will be to the adjoining landowners.

**Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in Petitioner's possession will be made available promptly to those requesting it.**

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment and discontinuance proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT.

The required environmental and historic information is contained in the Combined Environmental and Historic Report which was filed on April 6, 2002. A copy of the Report is attached hereto as **Exhibit C**. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on April 5, 2002, for filing.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §§ 10903, 10904, and 10905 and direct that the exemptions be effective on the date of the Board's decision.

Dated this 13th day of May, 2002.

Respectfully submitted,



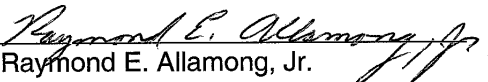
UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606  
312/777-2055  
312/777-2065 (FAX)

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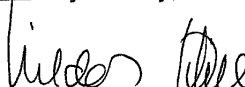
STATE OF NEBRASKA    )  
  )ss.  
CITY OF DOUGLAS        )

**VERIFICATION**

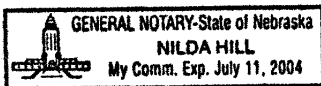
Raymond E. Allamong, Jr. of Union Pacific Railroad Company, being first  
duly sworn, deposes and states that he has read the foregoing Petition for Exemption in  
Docket No. AB-33 (Sub-No. 189X), knows the contents thereof, and that the same are  
true as stated to the best of his knowledge, information and belief.

  
Raymond E. Allamong, Jr.

Subscribed and Sworn to before me this 8<sup>th</sup> day of May, 2002.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 189X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

Public Service Commission of Wisconsin  
610 North Whitney Way  
P. O. Box 7854  
Madison, WI 53707-7854

U. S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Div.  
P.O. Box 37127  
Washington, D.C. 20013-7127

Eau Claire County Supervisors  
County Courthouse  
721 Oxford Avenue  
Eau Claire, WI 54703-5481

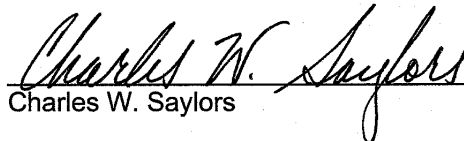
U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor NW, Auditors Building  
14th Street & Independence Ave., S.W.  
Washington, D.C. 20250

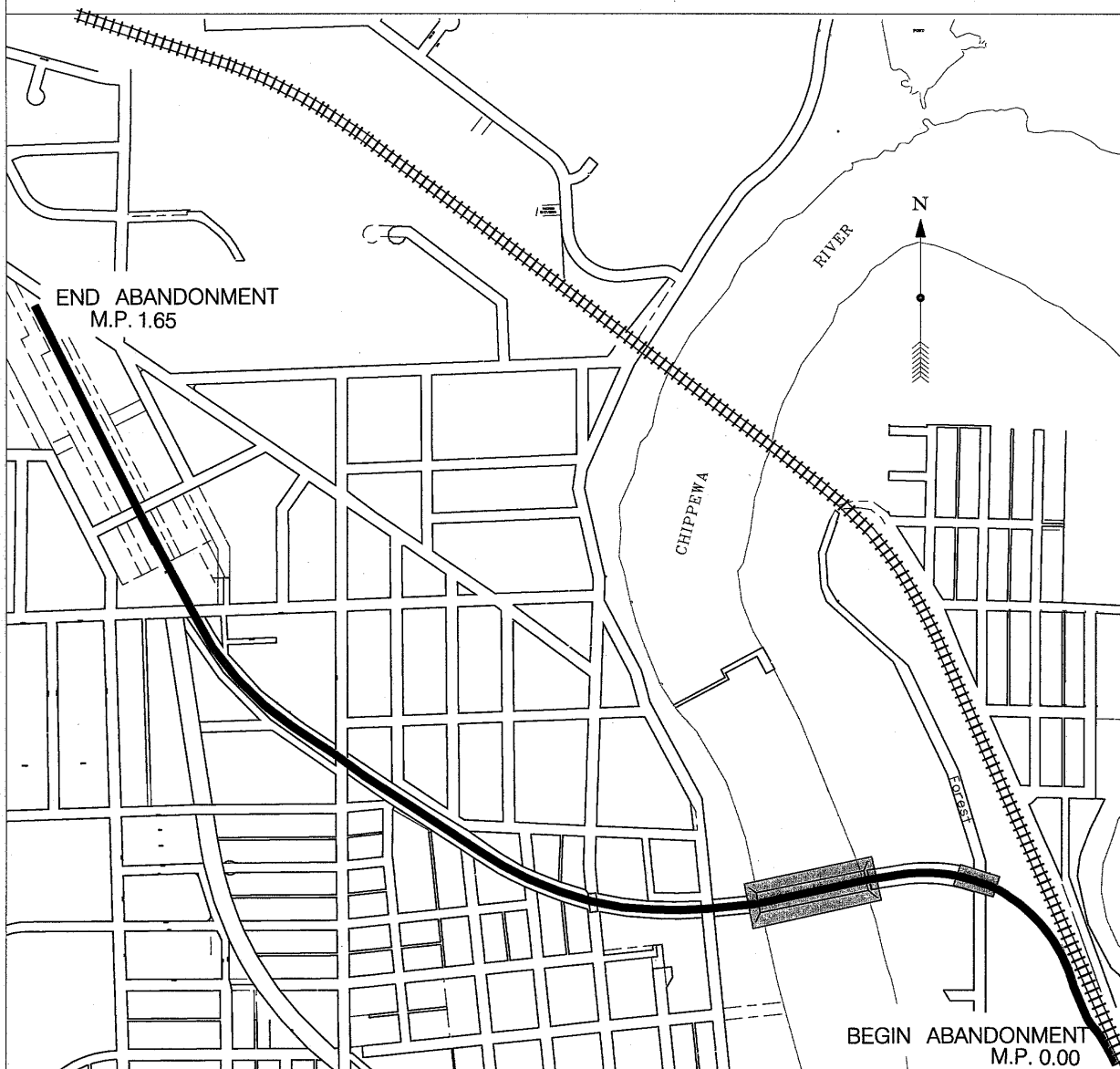
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Eau Claire	<i>Eau Claire Leader Telegram</i>	May 14, 2002

The above newspapers are generally circulated in the counties where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 14th day of May, 2002.

  
Charles W. Saylor



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 2.70-12 A	1 - 31' DPG	31'	1941
BR. 2.70-12 A	6 - SPAN PT		1941
BR. 2.70-12 B	4 - 180' DT	720'	1881

## LEGEND

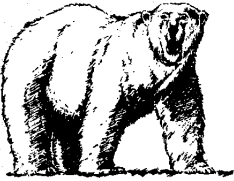
- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

Eau Claire Industrial Lead  
M.P. 0.00 TO M.P. 1.65  
EAU CLAIRE INDUSTRIAL LEAD A TOTAL OF 1.65 MILES  
IN EAU CLAIRE, EAU CLAIRE COUNTY, WISCONSIN

UNION PACIFIC RAILROAD CO.  
EAU CLAIRE INDUSTRIAL LEAD  
INCL. 50+ YEAR OLD STRUCTURES

SCALE FEET

Revised: February 13, 2002 Q:\ABANDONMENTS\AB0311\_EAUCLAIRE.DGN



# CSW

Central Storage & Warehouse Co., Inc.

- ☐ 4309 Cottage Grove Road, P.O. Box 7034, Madison, WI 53707
- ☒ 3120 Ninth Street, P.O. Box 5, Eau Claire, WI 54702
- ☐ 1212 West Street, Wausau, Wisconsin 54401

Phone 608-221-7600  
Phone 715-834-2951  
Phone 715-845-6707

May 8, 2002

Mr. Vernon Williams  
Secretary  
Surface Transportation Board  
1925 "K" St., N.W.  
Washington, D.C. 20423-0001

RE: Docket No. AB-33 (Sub-No. 189X), Union Pacific Railroad Company -  
Abandonment Exemption - In Eau Claire County, WI  
(Eau Claire Industrial Lead in Eau Claire, WI)

Dear Mr. Williams,

Central Storage and Warehouse Co. is an active customer on this rail line, at track number 857. With the assistance of the Union Pacific Railroad we have identified an alternate UP-served site in the city of Menomonie, WI, track number 174, at which to conduct our rail business. This relocation is agreeable to Central Storage, and we will not object to abandonment of the Eau Claire line, so long as the Union Pacific allows Central Storage use of the Menomonie track prior to discontinuing service at Eau Claire. Because we must have continuity of service to sustain our business, it is imperative to us that track 174 be available for use before service is discontinued at track 857.

Please feel free to contact me with any questions.

Sincerely,

John Winegarden  
Vice President of Operations

**FILE COPY****UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
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THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

April 5, 2002

**VIA UPS OVERNIGHT DELIVERY**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street, N.W. Room 504  
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33 (Sub-No. 189X), Union Pacific Railroad Company -  
Abandonment Exemption - In Eau Claire County, WI  
(Eau Claire Industrial Lead in Eau Claire, WI)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after April 29, 2002.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Mack H. Shumate, Jr.  
Senior General Attorney

MHS/taf  
Enclosures



cc: w/enclosures

**State Clearinghouse (or alternate):**

Jeff Smith, Section Chief  
Federal State Relations  
Division of Energy & Intergovernmental  
Relations  
Department of Administration, 6th Floor  
P. O. Box 7868  
101 E. Wilson  
Madison, WI 53707-7868

**State Environmental Protection Agency:**

Department of Natural Resources  
P. O. Box 7921  
Madison, WI 53719-2726

**State Coastal Zone Management Agency  
(if applicable):**

Coastal Policy Section  
Division of Energy & Intergovernmental  
Relations  
Department of Administration, 6th Floor  
P. O. Box 7868  
101 E. Wilson  
Madison, WI 53707-7868

**Head of each County:**

Eau Claire County Supervisors  
County Courthouse  
721 Oxford Avenue  
Eau Claire, WI 54703-5481

**Environmental Protection Agency  
(regional office):**

U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District  
St. Paul  
190 Fifth Street East  
St. Paul, MN 55101-1638

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
800 North Capitol Street, NE., Room 500  
Washington, D.C. 20002

**U.S. Natural Resources Conservation  
Service:**

Natural Resource Conservation Service  
Midwest Regional Office  
2820 Walton Commons West, Suite 123  
Madison, WI 53718-6797

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Wisconsin Historical Society  
816 State Street  
Madison, WI 53706

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 189X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN EAU CLAIRE COUNTY, WISCONSIN  
(EAU CLAIRE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
312/ 777-2055  
312/ 777-2065 FAX

Dated: April 5, 2002  
Filed: April 8, 2002

Before the  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 189X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN EAU CLAIRE COUNTY, WISCONSIN  
(EAU CLAIRE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service on the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire, Eau Claire County, Wisconsin (the "Line").

The Line traverses U. S. Postal Service Zip Code 54703.

The applicant anticipates that a Petition For Exemption to discontinue service on the Line will be filed at the STB on or after April 29, 2002.

A map of the Line is attached as **Attachment No. 1**. UP's original letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to the letter to date are attached and sequentially numbered as indicated below.

**ENVIRONMENTAL REPORT**  
**49 C.F.R. § 1105.7(e)**

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the abandonment and discontinuance of service on the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire, Eau Claire County, Wisconsin. The Line was originally constructed in approximately 1870 by the West Wisconsin Railway. It is constructed with 80-pound rail. The sole customer on the Line is Central Storage Warehouse ("CSW"), which ships and receives various frozen, canned, and dried foods and dairy products. CSW handled 70 cars in the year 2000 and 74 cars in the year 2001.

A map of the Line is attached as **Attachment No. 1.**

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Central Storage Warehouse is the sole shipper on the Line. As a result of an agreement between UP and CSW, CSW will relocate its rail activity to the nearby station of Menomonie and handle the storage and consignment of almost all of the railed commodities at that point. As a result there will be little impact on area traffic patterns or fuel consumption due to additional truck trips. Accordingly, no traffic on the Line is anticipated in the future from this shipper. No recyclable commodities or energy resources move over the Line. There is no impact on area roads or changes in energy

usage caused by the proposed action. A letter reflecting the agreement between UP and CSW, and CSW's support for the proposed abandonment is attached as **Attachment No.**

**3.**

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:** (i) UP has been in contact with the City of Eau Claire concerning the City's plans for the 3rd Street overpass, and has expressed interest in donating the Chippewa Bridge complex to the City. A copy of UP's letter to the Eau Claire Public Works Department is attached as **Attachment No. 4.** The Eau Claire County Planning Department states that the proposed abandonment is entirely within the City of Eau Claire and outside the jurisdiction of the Eau Claire County's land use plan. The Planning Department's response is attached as **Attachment No. 5.** UP is unaware of any adverse effects on other local and existing land use plans.

(ii) The United States Natural Resources Conservation Service has been contacted. To date the applicant has received no response.

(iii) The Wisconsin Coastal Policy Section of the Energy & Intergovernmental Relations Division has been contacted. To date UP has received no response.

(iv) The land area of the proposed abandonment totals 14.58 acres, all of which are non-reversionary. Since the property is all non-reversionary, there is no title limitations and the right of way is suitable for other public purposes, as the City of Eau Claire has expressed interest in using the corridor for a recreational trail. UP will attempt to donate the bridge over the Chippewa River to the City. In the event that the City is not interested, the property will be sold to adjoining landowners.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There will be no effect on the transportation of energy resources.

(ii) No recyclable materials are handled on the Line.

(iii) Because there is little if any change in rail activity that could be attributed to the proposed action, there should be no discernible effect on energy efficiency.

(iv)(A)(B) There will be no rail-to-motor diversion of these magnitudes.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity),  
or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(I)(A) will apply.

**Response:** There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity),  
or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic of such magnitude as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(I) of this section are surpassed, state whether the proposed action will cause:

(I) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.



(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U. S. Fish and Wildlife Service has reviewed our proposed abandonment and concluded that due to the nature and location of the proposed activities, no federally listed threatened and endangered species or critical habitat will be affected. The U. S. Fish and Wildlife Service response is attached as **Attachment No 6.**

(ii) Applicant is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed discontinuance.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicant should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The Natural Resource Conservation Service has been contacted. To date the Applicant has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. The Corps stated that no work will be done in or over a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required. The Corps of Engineers response is attached as **Attachment No. 7.**

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

HISTORIC REPORT  
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The right-of-way proposed for abandonment is 150 feet wide as it comes out of the main line to the Chippewa River. After it crosses the river, it is generally 100 feet in width. The topography of the Line is slightly hilly near the Chippewa River and levels out as it travels west and north through a light industrial and residential area.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** The Wisconsin Historical Society was provided with photographs of the railroad bridges over Forest Street and over the Chippewa River. A copy of the letter to the Historical Society and pictures is attached as **Attachment No. 8.** Based on the information provided, the Historical Society believes that the Chippewa River Railroad Bridge constructed in 1881 is eligible for inclusion in the National Register of

Historic Places, and asked UP to prepare a determination of eligibility form for the bridge to forward to them for review. UP is currently complying with this request. The Wisconsin Historical Society's response is attached as **Attachment No. 9**.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No 8**.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** UP believes bridge drawings are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. Donald D. Snoddy, Manager-Museum Services for the UP, has reviewed the proposed transaction and concluded that there is nothing in the scope of the project that merits historical comment. No bridges or buildings that are of significant architectural design nor any other structures or features that need to be considered. Mr. Snoddy also indicates that any archeological sites within the

scope of the right-of-way would have previously been disturbed during the construction of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

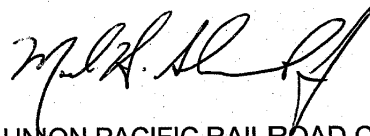
**Response:** Applicant does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 5th day of April, 2002.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Senior General Attorney  
Room 1920, 101 North Wacker Drive  
Chicago, IL 60606  
312/ 777-2055  
312/ 777-2065 FAX

**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 189X) for the Eau Claire Industrial Lead in Eau Claire County, Wisconsin was served by first class mail on the 5th day of April, 2002 on the following:

**State Clearinghouse (or alternate):**

Jeff Smith, Section Chief  
Federal State Relations  
Division of Energy & Intergovernmental Relations  
Department of Administration, 6th Floor  
P. O. Box 7868  
101 E. Wilson  
Madison, WI 53707-7868

**State Environmental Protection Agency:**

Department of Natural Resources  
P. O. Box 7921  
Madison, WI 53719-2726

**State Coastal Zone Management Agency**  
**(if applicable):**

Coastal Policy Section  
Division of Energy & Intergovernmental Relations  
Department of Administration, 6th Floor  
P. O. Box 7868  
101 E. Wilson  
Madison, WI 53707-7868

**Head of each County:**

Eau Claire County Supervisors  
County Courthouse  
721 Oxford Avenue  
Eau Claire, WI 54703-5481

**Environmental Protection Agency**  
**(regional office):**

U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District  
St. Paul  
190 Fifth Street East  
St. Paul, MN 55101-1638

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
800 North Capitol Street, NE., Room 500  
Washington, D.C. 20002

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
Midwest Regional Office  
2820 Walton Commons West, Suite 123  
Madison, WI 53718-6797

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

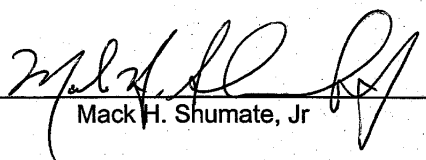
Wisconsin Historical Society  
816 State Street  
Madison, WI 53706

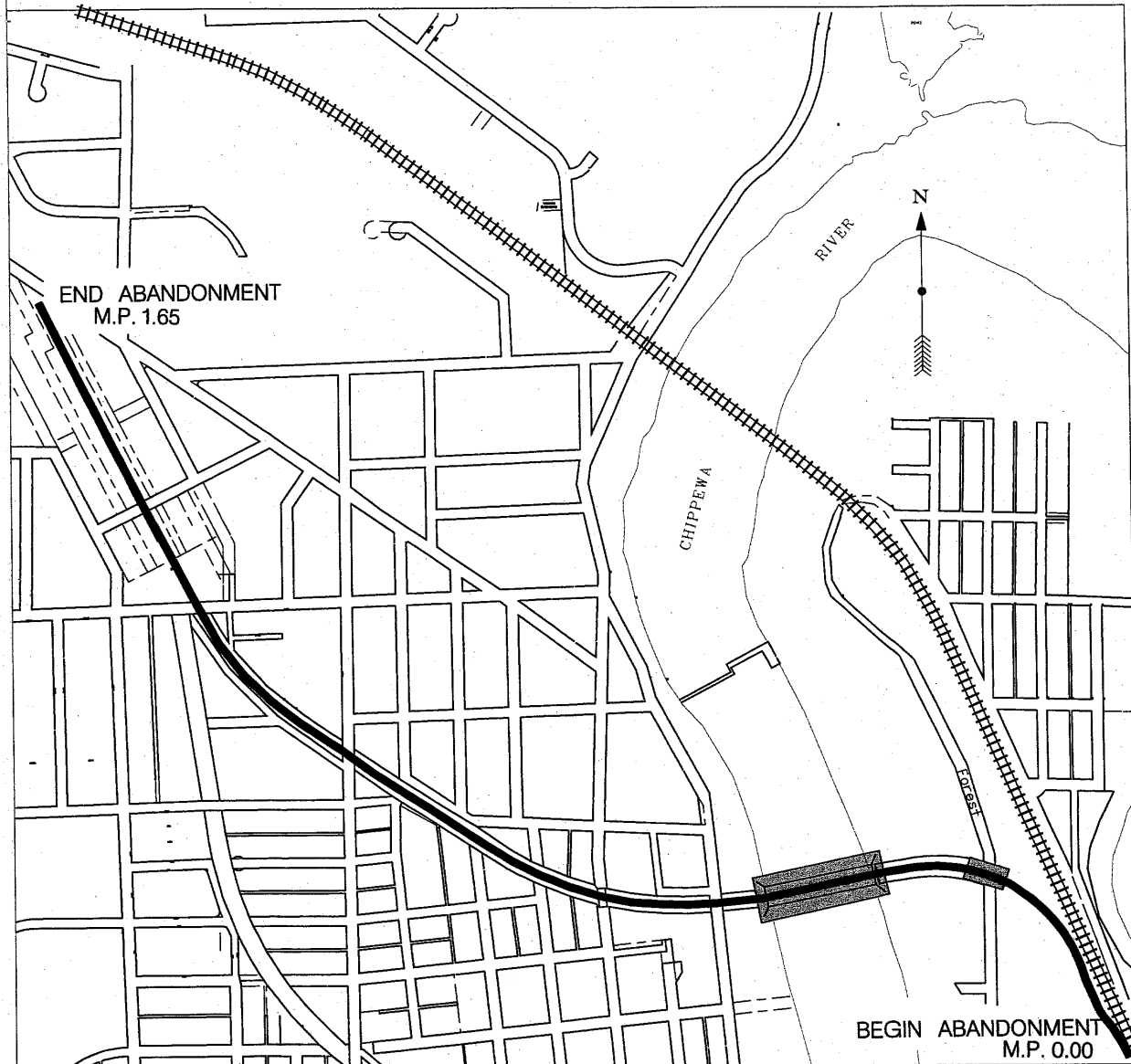
**Other:**

Mr. Brian Amundson  
Director, Public Works Department  
City of Eau Claire  
203 S. Farwell  
Eau Claire, WI 54702-5148

Central Storage & Warehouse Co., Inc.  
3120 Ninth Street  
Eau Claire, WI 54703

Dated this 5th day of April, 2002.

  
Mack H. Shumate, Jr



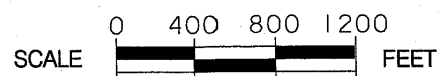
BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 2.70-12 A	1 - 31' DPG	31'	1941
BR. 2.70-12 A	6 - SPAN PT		1941
BR. 2.70-12 B	4 - 180' DT	720'	1881

## LEGEND

- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

Eau Claire Industrial Lead  
M.P. 0.00 TO M.P. 1.65  
EAU CLAIRE INDUSTRIAL LEAD A TOTAL OF 1.65 MILES  
IN EAU CLAIRE, EAU CLAIRE COUNTY, WISCONSIN

UNION PACIFIC RAILROAD CO.  
EAU CLAIRE INDUSTRIAL LEAD  
INCL. 50+ YEAR OLD STRUCTURES



Revised: February 13, 2002 Q:\ABANDONMENTS\ABO311\_EAUCLAIRE.DGN

CHARLES W. SAYLORS  
DIRECTOR-LEGAL SUPPORT SERVICES

# UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET  
OMAHA, NEBRASKA 68179  
(402) 271-4861

February 21, 2002

**State Clearinghouse (or alternate):**

Jeff Smith, Section Chief  
Federal State Relations  
Division of Energy & Intergovernmental Relations  
Department of Administration, 6th Floor  
P. O. Box 7868  
101 E. Wilson  
Madison, WI 53707-7868

**State Environmental Protection Agency:**

Department of Natural Resources  
P. O. Box 7921  
Madison, WI 53719-2726

**State Coastal Zone Management Agency**

**(if applicable):**

Coastal Policy Section  
Division of Energy & Intergovernmental Relations  
Department of Administration, 6th Floor  
P. O. Box 7868  
101 E. Wilson  
Madison, WI 53707-7868

**Head of each County:**

Eau Claire County Supervisors  
County Courthouse  
721 Oxford Avenue  
Eau Claire, WI 54703-5481

**Environmental Protection Agency**

**(regional office):**

U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District  
St. Paul  
190 Fifth Street East  
St. Paul, MN 55101-1638

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
800 North Capitol Street, NE., Room 500  
Washington, D.C. 20002

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
Midwest Regional Office  
2820 Walton Commons West, Suite 123  
Madison, WI 53718-6797

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Wisconsin Historical Society  
816 State Street  
Madison, WI 53706

Re: Proposed Abandonment of the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd. in Eau Claire, Eau Claire County, Wisconsin; STB Docket No. AB-33 (Sub-No. 189x)



Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Eau Claire Industrial Lead from M. P. 0.00 near N. Barstow Street to M. P. 1.65 south of Truax Blvd. In Eau Claire, Eau Claire County, Wisconsin. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission. If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

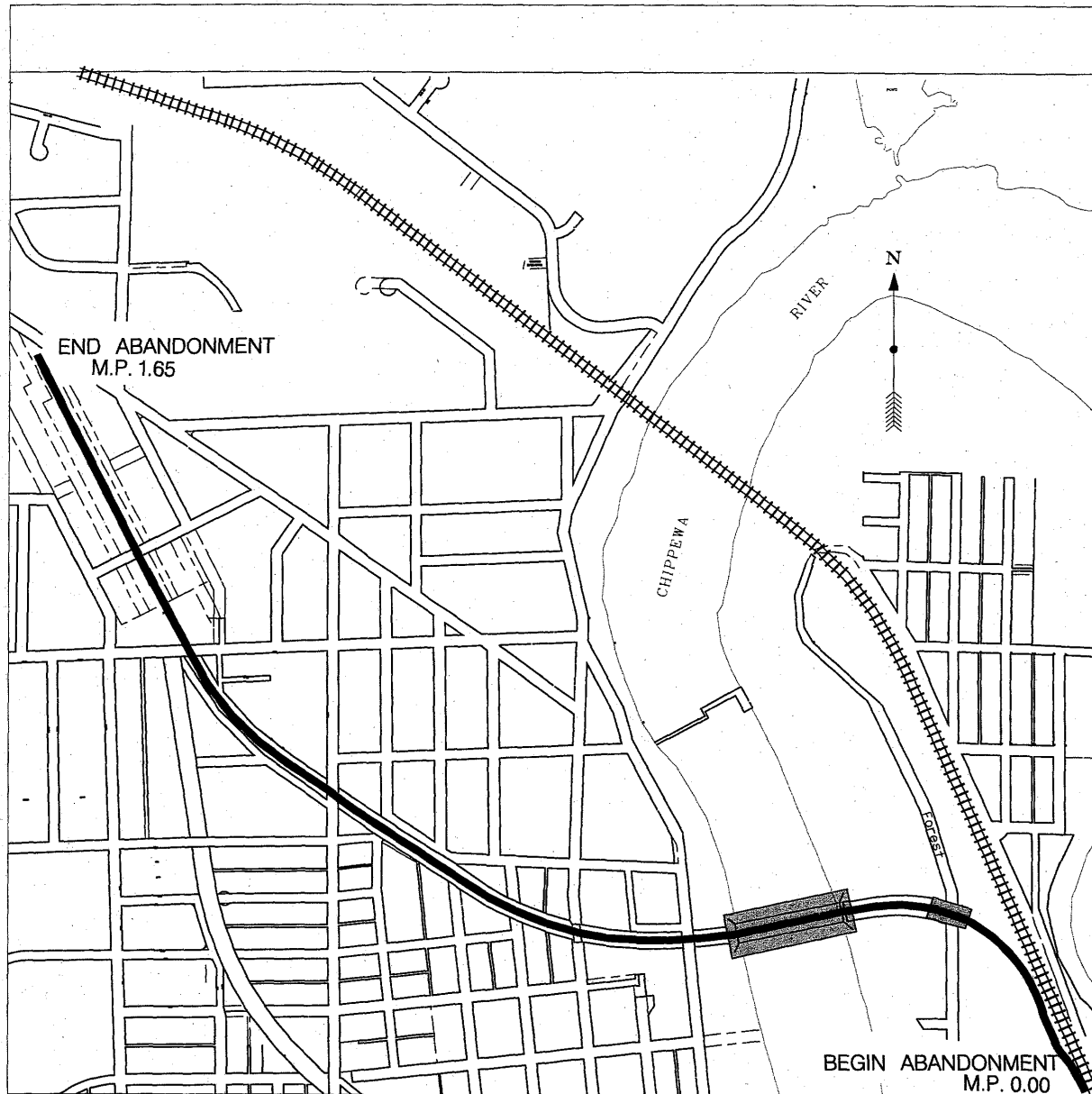
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,

*Charles W. Saylor*  
Charles W. Saylor

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 2.70-12 A	1 - 31' DPG	31'	1941
BR. 2.70-12 A	6 - SPAN PT		1941
BR. 2.70-12 B	4 - 180' DT	720'	1881

#### LEGEND

- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

Eau Claire Industrial Lead  
M.P. 0.00 TO M.P. 1.65  
EAU CLAIRE INDUSTRIAL LEAD A TOTAL OF 1.65 MILES  
IN EAU CLAIRE, EAU CLAIRE COUNTY, WISCONSIN

UNION PACIFIC RAILROAD CO.  
EAU CLAIRE INDUSTRIAL LEAD  
INCL. 50+ YEAR OLD STRUCTURES

SCALE FEET

Revised: February 13, 2002 Q:\ABANDONMENTS\AB0311\_EAUCLAIRE.DGN